



DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: October 15, 2007

ZMAP 2006-0024 & SPEX 2006-0037 – Community Corner;

Community Corner Fast Food Restaurant

DECISION DEADLINE: January 19, 2008

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Stephen Gardner

EXECUTIVE SUMMARY

Gateway Community Church of Chantilly, Virginia has submitted an application to rezone approximately 10.01 acres from the CLI (Commercial Light Industry) zoning district and the R1 (Single Family Residential) zoning district to the PD-CC-CC (Planned Development – Commercial Center, Community Center) zoning district in order to develop six commercial pad sites consisting of two banks with drive-thru facilities, a pharmacy with a drive-thru facility, and two retail/office buildings. The application is subject to the Revised 1993 Zoning Ordinance. The Applicant is also requesting a modification of the following Section of the Ordinance: §4-205(C)(2) *Yards. Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses* to reduce the required yard from one-hundred feet (100') to forty-five feet (45') along a portion of the southern-most property line. The applicant has also submitted an application for a special exception to permit a restaurant, with drive-through facilities. This special exception application is subject to the Revised 1993 Zoning Ordinance, and the proposed use is listed as a Special Exception use under Section 4-204 (B)(10). The property is located within the AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour. The property is located east of Gum Spring Road (Route 659) at the intersection with Tall Cedars Parkway, which, upon completion, will extend east through the site, in the Dulles Election District. The area is governed by the policies of the Revised General Plan, the Revised Countywide Transportation Plan, the Dulles South Area Management Plan, and the Countywide Retail Policy Plan Amendment which designate this area for Business, Hybrid Retail, and Residential.

RECOMMENDATION

Outstanding transportation issues include the following: 1) Development of the site to coincide with the construction of West Spine Road to Route 50; and 2) Proposed temporary access points to West Spine Road and existing Route 659. Other outstanding issues include: 1) The lack of non-vehicular transportation connections (i.e. shared use path) to adjacent residential neighborhoods; 2) Clarification of the tree save area; and 3) Legal review of the proffer statement. Staff recommends the item be referred to Committee for additional discussion.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMAP 2006-0024 and SPEX 2006-0037, Community Corner and Community Corner Fast Food Restaurant, to a Committee of the Whole meeting for discussion of the outstanding issues.

OR,

2. I move an alternate motion.

VICINITY MAP



Directions:

From Leesburg, take Route 15 (James Madison Highway) south to Route 50 (John Mosby Highway). Follow Route 50 (John Mosby Highway) east to Route 659 (Gum Spring Road). Turn right onto Route 659 (Gum Spring Road). The subject property will be on the left at the intersection with Tall Cedars Parkway.

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I. APPLICATION INFORMATION

APPLICANT	Gateway Community Church Attn: Tim Eagle, Chairman of the Board 24796 Gum Spring Road Chantilly, VA 20152 (703) 625-7210	
REPRESENTATIVE	Huntley Nyce & Associates Attn: Russ Forno 751 Miller Drive, Suite F-2 Leesburg, VA 20175 (703) 779-4905	
APPLICANT'S REQUEST	A Zoning Map Amendment to rezone approximately 10-acres to PD-CC-CC to create six commercial pad sites to include two banks each with a drive thru, two office/retail buildings, and a pharmacy and a Special Exception to permit a fast food restaurant with a drive-thru	
LOCATION	The property is located ¼ mile south of Route 50, north of Autumn Lane on Gum Spring Road (Route 659)	
TAX MAP/PARCEL #s	Tax Map 101////////44B MCPI 204-10-2931-000 Tax Map 101////////41A MCPI 204-19-8672-000	
ZONING	R-1 and CLI	
ACREAGE OF SITE	10.01 acres	

SURROUNDING ZONING / LAND USES

	ZONING	PRESENT LAND USES
North	CLI	Commercial Industrial
South	R11	Residential
East	CLI & R-1	Residential
West	PHH4 & R-16	Residential

II. SUMMARY OF DISCUSSION

Topic	Issues Reviewed and Status
Comprehensive Plan	<ul style="list-style-type: none"> Conformance with the <u>Revised General Plan</u> with regard to land use; Arcola Area / Route 50 Comprehensive Plan Amendment allows for commercial retail and services in excess of the maximum allowed if certain criteria have been met (i.e. uses are intended to serve adjacent communities, adequate linkages are provided, no access to Route 50, etc). Status: Resolved. Reorient building footprints closer to roadways and relocate parking areas to the sides and/or rear of buildings. Parking along Tall Cedars Parkway should be limited to one row of parking stalls and one drive aisle. Status: Resolved. Documentation should be submitted verifying an agreement for inter-parcel access between subareas 1 and 2 and the adjoining Sarswati Property. Status: Resolved. The incorporation of traffic calming measures along main travel aisles. Status: Resolved. Limit conflicts between drive aisles and stacking spaces. Include a minimum of six crosswalks to allow for safe and efficient pedestrian movement from the parking areas at the rear of the property to the building entrances along Tall Cedars Parkway. Crosswalks should be aligned and should be differentiated from the drive aisles. Status: Outstanding. Commitments to the Route 50 Corridor Design Guidelines related to building design. Status: Resolved. Wetlands disturbed as a result of improvements to the site should be mitigated. Status: Resolved. Clearly delineate the boundaries of all tree save areas on the Concept Development Plan. Status: Outstanding. Commitments to lighting that is downward directed and limits light trespass. Status: Resolved; Condition of Approval added accordingly.
VDOT	<ul style="list-style-type: none"> Interim access to Route 659 will necessitate turn lanes. Status: Review Pending. Multiple revisions to the Traffic Impact Analysis. Status: Resolved.
Transportation (OTS)	<ul style="list-style-type: none"> The Level of Service (LOS) analysis should be revised to include the portions of West Spine Road, currently under construction, as well as the signalization of the West Spine Road / Route 50 and Tall Cedars Parkway / Route 659. Status: Resolved. Dedication of the right-of-way to facilitate the West Spine Road. Status: Review Pending. The construction of a four-lane section of Tall Cedars Parkway between the future West Spine Road and the subject site's eastern boundary. Status: Resolved. A ten-foot (10') wide shared use path should be included along Tall Cedars Parkway and the West Spine Road. Status: Outstanding.

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LCSA	<ul style="list-style-type: none"> Any offsite easements required to extend public water and/or sanitary sewer service shall be acquired at no cost to the County or to the Authority. Status: Resolved.
Zoning	<ul style="list-style-type: none"> The Statement of Justification should clearly articulate the rationale for the proposed rezoning and should demonstrate that a viable economic use does not exist under the current CLI zoning. Status: Resolved. To further substantiate conformance to the PD-CC-CC zoning district and to conform to the definition of shopping center, the site layout should be designed in such a way that internal automobile movements are minimized and internal pedestrian circulation is maximized. Efforts should be made to demonstrate a reduction of traffic flow through the site and provisions for safe pedestrian access to all structures from parking areas should be included. Status: Resolved. Vehicular parking areas and drive aisles may not encroach into required buffer areas. Status: Review Pending. Delivery areas and stacking spaces should be designed in such a way as to minimize conflict with pedestrian circulation to and from parking areas. Status: Review Pending. Clarify tree save areas, and identify any specimen trees that will be retained. Status: Outstanding. Dumpster areas should be sited in areas where the view from streets is minimized. Status: Resolved. Loading spaces should be delineated on the site layout sheet and should be sited in a way to minimize interaction with pedestrian and vehicular circulation. Status: Review Pending A one hundred foot (100') setback must be maintained from existing agricultural and residential areas. Status: Review Pending
Health Dept.	<ul style="list-style-type: none"> No issues noted. Status: Recommendation of approval.
Emergency Services	<ul style="list-style-type: none"> Access and circulation of emergency vehicles through the property may be compromised by the site layout and orientation of the proposed structures. Status: Resolved; the site layout and design have been revised to provide circulation for emergency vehicles and direct access to all proposed structures.
Parks & Recreation	<ul style="list-style-type: none"> Adequate provisions for bicycle and pedestrian access to and through the development should be provided. Status: Outstanding. A ten-foot (10') wide, shared-use path should be included along the future West Spine Road and Tall Cedars Parkway. Status: Outstanding. Intersection treatments should be provided at the intersection of Tall Cedars Parkway and the future West Spine Road to facilitate safe

Environmental Review	<ul style="list-style-type: none"> • Revision of the site layout to avoid an existing pond located at the southeast corner of the site; if avoidance is not possible, the area should be mitigated. Status: Resolved. • Species, size, and condition rating should be provided for all trees in excess of thirty (30) caliper inches. Status: Outstanding. • Boundaries of all tree save areas should be delineated on the Concept Development Plan; existing trees should be incorporated into buffer areas where possible. Include language specifying the maintenance of tree save areas. Status: Outstanding. • A commitment to sixty-five percent (65%) phosphorous removal of stormwater runoff. Status: Outstanding. • Digital wetland data provided to the County. Status: Resolved.
County Attorney	<ul style="list-style-type: none"> • Proffer review in progress. Status: Pending.
Disclosure of Real Parties in Interest	<ul style="list-style-type: none"> • Staff is awaiting the revised Disclosure of Real Parties in Interest Form; revised disclosure form will be provided prior to the public hearing.

III. CONCLUSIONS

1. The commercial retail and service uses are consistent with the policy guidance of the Revised General Plan. Commercial retail and service uses are allowed in areas designated for Business uses if the application presents a coordinated design, is compatible with adjacent residential communities, and includes adequate and appropriate transportation connections to adjoining communities.
2. The application fails to provide adequate non-vehicular transportation connections to adjacent residential communities.
3. The application has proffered regional transportation improvements which include the construction of a section of Tall Cedars Parkway through the site.
4. Proposed uses will exacerbate a failing Level of Service at the intersection of Route 50 and Gum Spring Road (Route 659) until such time as the proposed West Spine Road is constructed north of the site to Route 50.

IV. CONDITIONS OF APPROVAL – October 15, 2007

Should the Planning Commission wish to consider the Special Exception for restaurant, with drive-through facilities application, the following minimum conditions should be considered:

1. The restaurant, with drive-through facilities, shall be developed in substantial conformance to the “Community Corner Zoning Map Amendment and Special Exception” plat, dated October 9, 2006, revised to September 21, 2007 and prepared by Huntley, Nyce & Associates, Ltd. Approval of this application does not relieve the applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.
2. To ensure that Level of Service is maintained along Gum Spring Road (Route 659), the restaurant, with drive-through facilities, shall not be permitted until such time as either a

two-lane or a four-lane segment of West Spine Road is completed from the subject site north to Route 50.

3. All lighting required by the proposed restaurant, with drive-through facilities, use shall be fully shielded as defined by the Illuminating Engineering Society of North America (IESNA). Light will be directed inward and downward toward the interior of the property, away from nearby properties.

V. PROJECT REVIEW

A. CONTEXT

Gateway Community Church, authorized applicant and owner, has submitted an application for Zoning Map Amendment (ZMAP) to rezone approximately ten (10) acres from CLI (Commercial Light Industry) and R-1 (Single Family Residential) to PD-CC-CC (Planned Development – Commercial Center – Community Center) to construct six (6) commercial pad sites consisting of two office/retail buildings, two banks with drive thru facilities, a pharmacy, and a restaurant with drive thru facilities. The restaurant with drive thru facilities is permitted by Special Exception (SPEX). In addition, the application includes one modification of the Revised 1993 Zoning Ordinance to reduce the one hundred foot (100') yard along a portion of the southern property line to forty-five feet (45').

The site is located on the east side of Gum Spring Road (Route 659), approximately a quarter mile south of Route 50 (John Mosby Highway) at the intersection of Tall Cedars Parkway. Currently, Tall Cedars Parkway extends through the Stone Ridge Community to its terminus at Gum Spring Road. This application will extend Tall Cedars Parkway through the subject site.

Currently, the subject property is two lots of record, totaling approximately 31.79 acres. The larger of the two tracts, approximately 30.2 acres, is vacant and unimproved, covered with heavy overstory and understory growth. The second tract, approximately 0.9 acres, is improved with a single family residence and related accessory structures, all of which will be removed to facilitate the proposed improvements. Both parcels will be consolidated; however, the proposed alignment of both the West Spine Road and Tall Cedars Parkway will bisect the property north and south / east and west to create three tracts, two of which, approximately ten (10) acres, are subject to the request for Zoning Map Amendment. The residue parcel, approximately sixteen (16) acres, will serve as the future home of Gateway Community Church.

B. SUMMARY OF OUTSTANDING ISSUES

Outstanding issues include the following:

- 1) The application fails to provide non-vehicular connections (i.e. shared use path) to adjoining residential neighborhoods, consistent with the Bicycle and Pedestrian Mobility Master Plan and the Revised General Plan.

- 2) The location of a tree save along the southwest property line has not been clearly defined, and language states that trees will be “preserved to the maximum extent possible.” A modification of the Ordinance proposes to reduce the required yard along the southwest property line by fifty-five feet (55’). To ensure that an adequate buffer is maintained between the site and the adjacent residential neighborhood, the language should be revised to remove ambiguity and clearly define the boundaries of the tree save area.
- 3) The application proposes uses which, in the interim, will exacerbate an existing failing Level of Service at the intersection of Route 50 and Gum Spring Road (Route 659). The construction of the West Spine Road will alleviate this concern, and development of the site should coincide with planned improvements to West Spine Road.
- 4) Interim access points to West Spine Road and existing Route 659 have not been considered by the Office of Transportation Services (OTS) and require additional staff review.
- 5) The proffer statement has not been approved to legal form.

In addition, additional staff review is needed to ensure multiple Zoning comments have been addressed, including the encroachment of drive aisles and parking areas into the required yards and the location of loading / stacking spaces in a way that would minimize interaction with pedestrian and vehicular circulation.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan), the Dulles South Area Management Plan (DSAMP), the Revised Countywide Transportation Plan (CTP), and is subject to the Arcola / Route 50 Comprehensive Plan Amendment. The site is located in the Dulles Community of the Suburban Policy Area and is planned for a mixture of land uses including business, hybrid retail, and residential uses (Arcola / Route 50 Comprehensive Plan Amendment, Planned Land Use Map).

The majority of the site is designated as suitable for business and hybrid retail uses. The future alignment of the West Spine Road forms a physical boundary between the two with business uses recommended to the west and hybrid retail uses recommended to the east. A smaller area south of Tall Cedars Parkway is designated for residential uses. As defined by the Plan, uses within hybrid retail centers provide for convenience and routine shopping needs and can also incorporate Destination Retail. Conversely, areas planned for business uses can include a mix of land uses, including commercial retail and services, but regional office uses should constitute the majority of the land area.

As proposed, the application proposes six (6) commercial pad sites consisting of two banks with drive thru facilities, a fast food restaurant with drive thru facilities, (subject of the proposed Special Exception) a pharmacy, and two office / retail buildings, all of which could be defined as commercial retail and service uses. As such, these uses are consistent with

hybrid retail. However, the Plan specifies that commercial retail and services uses should be limited to a maximum of ten-percent (10%) of the land use mix, whereas the majority, a minimum of fifty-percent (50%), of the land area should be devoted to regional office. The proposed land use mix, dominated by commercial retail and service uses, is not consistent with the land use mix for a business community.

Conversely, the Plan will support commercial retail and service uses that exceed the ten-percent (10%) maximum recommended in the land use mix for business communities when certain criteria have been met, including the following: 1) The commercial retail and service use provides goods and services that are supportive of local employment and residential communities; 2) The commercial retail and service use is compatible with and includes linkages to adjoining communities; 3) The commercial retail and service use does not access Route 50 directly; and 4) Adequate and appropriate transportation infrastructure has been provided. In this case, the proposed commercial retail and service uses are intended to support adjacent residential neighborhoods, no direct access onto Route 50 is proposed, and proffered roadway improvements have been include the construction of a portion of Tall Cedars Parkway through the site. However, the application does not propose adequate connections, in the form of trails and/or shared use paths, to the adjacent residential neighborhoods intended to be served by the application.

Bicycle and Pedestrian Facilities

The future West Spine Road is identified in the Bicycle and Pedestrian Mobility Master Plan (BPMMP) as a baseline connecting roadway and envisions such roadways with off-road, shared use paths. Shared use paths should be designed to accommodate both pedestrian and bicycle traffic and should include connections to activity centers both within a development and on adjacent properties. Shared use paths should maintain a minimum width of ten-feet (10').

The Applicant states as justification for the proposed rezoning that goods and services will be provided that are supportive of the adjoining residential neighborhoods. Specifically, the Statement of Justification states that the proposed commercial retail and service uses will support the “growing needs of the emerging residential community in Dulles South,” and “residential communities all along Gum Spring Road will be well served by the commercial services offered by the Property.” Currently, the applicant has only committed to a five-foot (5') sidewalk; commitments have not been made to other non-vehicular transportation connections that would allow the goods and services to be easily accessed by the residential neighborhoods they intend to serve. In this case, a ten-foot (10') wide, shared use path, consistent with Policy, would provide the linkages which would further substantiate the request as well as create a vibrant public realm and contribute to the overall aesthetic quality of the neighborhood. The request for such a facility is consistent with similar commitments by other applications along Gum Spring Road and would ensure the developing trail network in the area is not compromised.

ZONING

The property under consideration is a ten acre portion of a larger 31.79 acre tract, two lots of record, and is currently zoned CLI (Commercial Light Industry) and R-1 (Single Family

Residential) under the Revised 1993 Zoning Ordinance. The application proposes to rezone the property to PD-CC-CC (Planned Development – Commercial Center, Community Center) and also includes a modification of Section 4-205(C)(2), *Yards. Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses*, to reduce the one hundred foot (100') yard along a portion of the southern property line to forty-five feet (45'). Concurrent with the application for Zoning Map Amendment is a request for Special Exception (SPEX) for a fast food restaurant with drive thru facilities. Restaurant, with drive-through facilities is listed as a Special Exception use pursuant to Section 4-204(B)(1) of the Revised 1993 Zoning Ordinance.

Conformance with the PD-CC-CC District

As stated in Section 4-202(B) of the Revised 1993 Zoning Ordinance, the purpose of the PD-CC-CC (Planned Development – Commercial Center, Community Center) district is to “permit the development of commercial centers which serve the retail shopping needs of the surrounding community... Such centers shall be sited so as to complement the character of the surrounding community, to include appropriate pedestrian linkages with adjacent land uses, and shall be designed, landscaped and buffered so as to be compatible with neighboring development...” It is the intent of the PD-CC-CC district to provide community shopping centers in close proximity to the residential neighborhoods they are intended to serve and to include provisions for safe and efficient pedestrian and vehicular access. The design of a community center should be such that a synergy is created between the various uses both within and adjacent to the site, reducing the need for redundant automobile trips. Essentially, the placement of buildings within the site and the orientation of travel ways should deemphasize vehicular movement and emphasize pedestrian mobility to and from the various uses.

Originally, the application proposed six (6), stand-alone pad sites, consisting of a gas station (SPEX 2006-0038), a pharmacy, a fast food restaurant, two banks, and a larger restaurant. Fragmented parking areas and drive aisles separated the uses, flanking many of the buildings on either side, and created an automobile dependent site that did not resemble a neighborhood shopping center. The buildings did not relate to one another, traffic circulation was circuitous, and the location of parking areas, drive aisles, and stacking spaces provided few opportunities for pedestrian connectivity. As such, the design significantly deviated from the intent of the PD-CC-CC district as articulated by the Revised 1993 Zoning Ordinance.

In response, several of the automobile dependent uses were either removed or redesigned to reduce their dependency on vehicular traffic. Notably, the Special Exception for the Convenience Food Store with Accessory Gas Pumps was withdrawn, and the larger of the two restaurants was removed. Alternatively, two retail/office buildings have been proposed. In addition, the application was amended to include a modification of Section 4-205(C)(2), noted above, to reduce the one hundred foot (100') yard to forty-five feet (45'). Reduction of the yard allows for parking areas to be consolidated and relocated from the sides of the buildings to the rear of the property, providing for a more unified site layout and design. Drive aisles between the buildings were removed, and traffic circulation can now be limited to the perimeter of the site. With the absence of parking and drive aisles obstructing mobility, connections can be established between the various uses, and a continuous streetscape can

be created, characteristic of a shopping center. Finally, pedestrian connections in the form of raised crosswalks, textured pavement, etc. to the buildings from the parking areas have been provided.



Proposed Building Orientation and Site Layout

Additional zoning comments included the following: 1) Parking areas and drive aisles that encroach into the required buffer yards; 2) The inclusion of crosswalks at the intersection of Tall Cedars Parkway and West Spine Road; and 3) The redesign of site to minimize conflicts between delivery areas and vehicle stacking spaces; 4) The relocation of dumpster facilities away from principal arterials; and 5) Maintaining the one hundred foot (100') setback from existing residential neighborhoods. Staff analysis to determine whether these issues have been addressed is in progress.

TRANSPORTATION

The application proposes to rezone approximately ten acres (10) from CLI (Commercial Light Industry) and R-1 (Single Family Residential) to PD-CC-CC (Planned Development – Commercial Center, Community Center) and includes a Special Exception for a Fast Food Restaurant with a drive thru facility. The proposed site is located on the east side of Gum Spring Road at the intersection of Tall Cedars Parkway.

The Countywide Transportation Plan (CTP) identifies Tall Cedars Parkway as a six lane median divided road in a 120-foot right-of-way. A four lane, median divided section is currently in operation and extends east through the Stone Ridge community until its terminus with Gum Spring Road (Route 659) at the subject site. Proffered improvements proposed as part of the Community Corner application will extend Tall Cedars Parkway as a four lane, median divided highway to the property's eastern boundary.

Currently, Gum Spring Road (Route 659) is a two-lane road extending south from Route 50 to the subject site. In its current operational state, the Level of Service at the Route 50 / Route 659 intersection is F during weekday peak hours. Ultimately, existing Route 659 will be severed north of Tall Cedars Parkway to facilitate the construction of the West Spine Road (Route 606), identified in the Countywide Transportation Plan (CTP) as a four-lane, median divided roadway in a 120-foot right-of-way. A two-lane, half-section of West Spine Road is currently under construction by others through the subject site. The remaining two lanes will also be built by others, but the right-of-way to accommodate those lanes will be dedicated as part of this application. A segment of right-of-way, immediately south of Route 50, to facilitate the extension of West Spine Road north of the subject site to Route 50 has not been dedicated, and the timing of such dedication is uncertain. Upon ultimate completion of West Spine Road to Route 50, through traffic from existing Route 659 will be severed, and the existing roadway will either be abandoned or a cul-de-sac installed at an appropriate location between Route 50 and Tall Cedars Parkway. Interim measures for the operation of existing Route 659 and a two-lane segment of West Spine Road are being considered.

At traffic analysis has indicated that development of the site will generate 8,250 weekday vehicle trips. As noted, the Route 50 / existing 659 intersection is currently operating at a Level of Service F, and though the Level of Service is anticipated to improve pending ultimate completion of West Spine Road to Route 50, the timing of such improvements is dependent upon the dedication of right-of-way by others. In the interim, the current two-lane existing Route 659 cannot accommodate the additional traffic generated by the proposed application without further deterioration of service levels. Consequently, OTS cannot support any non by-right development along existing Route 659 until such time as improvements to West Spine Road have been completed and the level of service improves. Conversely, the completion of a two-lane segment of West Spine Road, currently under construction, may improve service levels, but such a determination cannot be made at this time. Regardless, the timing of development on the subject property should coincide with the ultimate completion of the West Spine Road north of the subject site to Route 50.

In addition, ultimate access to subareas 1 and 2, proposed as a retail/office building and a back with drive thru facilities, will be via South Point Drive by way of an inter-parcel access through the adjoining Sarswati property, currently undeveloped. The Concept Development Plan depicts an interim access point to subareas 1 and 2 via existing Route 659; the proffers describe a temporary access point via the interim condition of West Spine Road (i.e. the two-lane portion currently under construction). Clarification of this discrepancy is needed and additional discussion regarding both scenarios is warranted. Consequently, a third referral is needed and is pending.

D. ZONING ORDINANCE MODIFICATIONS

Modification #1: Section 4-205(C)(2), Yards. Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.

4-205 Lot Requirements

(C) **Yards.** *The following perimeter yard minimums shall be provided for each type of commercial center:*

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses (All Centers).**

No building, parking, outdoor storage, areas for collection of refuse or loading area shall be permitted closer than (100) feet to any agriculture districts, any existing or planned residential district, or land bays allowing residential uses. No parking, outdoor storage, areas for collection of refuse or loading spaces shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses or areas are visible from said agricultural and residential areas.

Proposed Modification Request: Reduction of the one hundred foot yard to forty-five feet (45') along a portion of the southern-most property line.

Justification: The reduction of the one hundred foot (100') yard allows for a majority of the parking to be placed behind the shopping center and away from the view of Tall Cedars Parkway resulting in an enhanced streetscape along the frontage of the property that is both personal and oriented to the pedestrian. Because of the constraints of the parcel, partially due to the construction of Tall Cedars Parkway, such a building orientation is only possible with the reduction of the yard. In addition, to offset the reduction in the yard, the Type 4 Rear Buffer Yard will be increased from thirty-feet (30') to forty-feet (40') and the number of canopy/understory/evergreen trees and shrubs will be increased by ten-percent (10%).

Staff Review and Recommendation: The size and configuration of the parcel create limited options for the placement of the building and associated parking areas in such a way as to create a unified and inter-related streetscape. The shallow depth of the parcel, combined with the one hundred (100') foot yard requirement, necessitates parking on either side of the buildings, creating a fragmented layout and making connectivity difficult. A reduction in the yard will allow for parking areas to be consolidated toward the rear of the parcel and will eliminate the need for drive aisles between the buildings.

However, it should be noted that the one hundred foot (100') yard is intended to provide separation from adjoining residential and/or agricultural districts. A fifty-five percent (55%) reduction will place commercial uses in close proximity to existing residences along Autumn Lane. The Applicant has depicted a tree save area and has proposed an enhanced Type 4 Buffer, described above, to ensure that adequate screening between the site and adjoining

residential uses to the south is maintained. However, the tree save area is approximate and language states that vegetation will be “preserved to the maximum extent possible,” creating uncertainty about the level of protection of existing trees and the type of vegetation to be included. Staff suggests this language be clarified or additional measures included that would reduce any potential impacts to existing residential areas.

E. SPEX - ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Loudoun County Zoning Ordinance states "In considering a Special Exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or Special Exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

<u>Standard</u>	<i>Whether the proposed Special Exception is consistent with the Comprehensive Plan.</i>
<u>Analysis</u>	The Revised General Plan identifies the subject site as suitable for Business, Residential, and Hybrid Retail Uses. Residential developments surround the subject site to the south and west. This application proposes uses dominated by commercial retail and services. Plan policies support residential neighborhoods that include, either within or in general proximity, retail and personal services to serve neighborhood residents and, as such, the proposal is consistent with the Comprehensive Plan.
<u>Standard</u>	<i>Whether the proposed Special Exception will adequately provide for safety from fire hazards and have effective measures of fire control.</i>
<u>Analysis</u>	Unless adequate fire flow is not available, the special exception use will be supplied with a sprinkler system inside the building. Notwithstanding, a fire lane will be incorporated with this site plan.
<u>Standard</u>	<i>Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.</i>
<u>Analysis</u>	Any noise emanating from the site will have minimal impact on the surrounding environs, given the future traffic noise to be generated by the ultimate build-out of West Spine Road and Tall Cedars Parkway. An enhanced landscaping buffer proposed by the concurrent rezoning will help buffer noise generated by the site.
<u>Standard</u>	<i>Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.</i>
<u>Analysis</u>	Any lighting installed will be shielded in accordance with the standards contained in the Facilities Standards Manual.
<u>Standard</u>	<i>Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.</i>
<u>Analysis</u>	Parcels to the south and west of the subject site consist of either existing or planned residential communities. Parcels to the north are planned for a variety

of commercial uses, including the proposed home of Gateway Community Church on the residue tract created by the ultimate construction of the West Spine Road and Tall Cedars Parkway. More intense commercial uses are located or planned for areas either adjacent to Route 50. As such, the proposed uses provide a reasonable transition from the more intense commercial uses along Route 50 to the residential uses located south of the site. Furthermore, the Applicant has agreed to adhere to the recently adopted Route 50 / Arcola Design Guidelines, ensuring a design that is compatible with other similar projects in the area.

Standard *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Analysis The proposal will exceed all buffers and landscaping requirements per the Revised 1993 Zoning Ordinance. However, the clarification of language defining a proposed tree save area, intended to buffer adjacent residential uses, remains an outstanding issue.

Standard *Whether the proposed Special Exception will result in the preservation of any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.*

Analysis The special exception does not affect natural, scenic, archeological or historic features of significant importance. A Phase 1 Archeological study completed by John Miller Associates does not identify any natural, scenic, archeological, or historic features that adversely impact the County's resources.

Standard *Whether the proposed Special Exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

Analysis The proposal will seek to preserve the naturally built features of the site by using a variety of techniques designed to employ vegetative features and make use of newer technologies. An existing pond, a designated wetland, will be impacted by the proposed developed and will be mitigated.

Standard *Whether the proposed Special Exception at the specified location will contribute to or promote the welfare or convenience of the public.*

Analysis The proposed commercial uses will offer retail and services in close proximity to existing and/or planned residential communities in the area. The commercial uses will provide desirable employment opportunities and will enlarge the tax base.

Standard *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*

Analysis Currently, the Level of Service along Gum Springs Road is failing. Though proffered road improvements include the construction of a portion of Tall Cedars Parkway through the site, Levels of Service along Gum Spring Road will not improve until such time as the West Spine Road is completed to Route 50.

Coordination between the timing of road improvements to West Spine Road by others and the development of the subject site remain an outstanding issue.

Standard *Whether, in the case of existing structures proposed to be converted to uses requiring a Special Exception, the structures meet all code requirements of Loudoun County.*

Analysis Any existing structures will be removed.

Standard *Whether the proposed Special Exception will be served adequately by essential public facilities and services.*

Analysis The proposed use will be served by public water and sewer at no cost to the County of Loudoun or the Loudoun County Sanitation Authority (LCSA).

Standard *The effect of the proposed Special Exception on groundwater supply.*

Analysis The site will be fully served by central utilities. The runoff generated by the development south of Tall Cedars Parkway and will be treated by BMP facilities as identified on the CDP.

Standard *Whether the proposed use will affect the structural capacity of the soils.*

Analysis Any land disturbance for construction shall adhere to the governing standards and ordinance requirements, as they may apply. Steps will be taken to ensure the structural capacity of soils within the property for the proposed use.

Standard *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

Analysis The impacts to existing traffic will be minimized by the concurrently proposed rezoning, which proposes improvements to West Spine Road and the extension of Tall Cedars Parkway. The Special Exception use will be located south of Tall Cedars Parkway and will have direct access to this major collector. However, the timing of development to coincide with above noted improvements remains an outstanding issue. In addition, adequate bicycle and pedestrian connections have not been provided.

Standard *Whether the proposed Special Exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

Analysis This area is designated in the Comprehensive Plan for economic development along the Route 50 Corridor. The proposed special exception use along with the other different types of commercial uses proposed with the rezoning will provide desirable employment opportunities to the surrounding residential development and will enlarge the tax base.

Standard *Whether the proposed Special Exception considers the needs of agriculture, industry, and businesses in future growth.*

- Analysis The proposed use will provide a needed amenity and service to nearby residential areas, given the rising home construction in the Suburban Policy Area south and east of Dulles Airport, and along Route 50. Local employment is enhanced by having more mixed uses, and the tax base will be enlarged.
- Standard *Whether adequate on and off-site infrastructure is available.*
- Analysis The proposed Special Exception will be served by central water and sewer facilities.
- Standard *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*
- Analysis The uses proposed will not generate noxious odors that will impact the adjacent uses.
- Standard *Whether the proposed Special Exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.*
- Analysis Through construction traffic will avoid existing neighborhood and school areas by using the major roadways (i.e. existing Route 50, Route 659, and West Spine Road which is pending construction by others). All state and local requirements will be met in order to mitigate any impact on adjacent parcels and local roads.

F. ZMAP - ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(E) of the Revised 1993 Zoning Ordinance states, "...if the application is for reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give a reasonable consideration to the following matters..."

- Standard *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*
- Analysis The Revised General Plan identifies the subject site as suitable for Business, Residential, and Hybrid Retail Uses. Residential developments surround the subject site to the south, east, and west. This application proposes commercial retail and service uses. Plan policies support residential neighborhoods that include, either within or in general proximity, retail and personal services to serve neighborhood residents and, as such, the proposal is consistent with the Comprehensive Plan.
- Standard *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*
- Analysis Areas surrounding and adjacent to the proposed site are either planned or have developed with residential uses, including the Stone Ridge community to the west. As such, a strong market demand exists for the commercial and retail service uses proposed as part of the rezoning application.
- Standard *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.*

- Analysis Parcels to the south and west of the subject site consist of either existing or planned residential communities. Parcels to the north are planned for a variety of commercial uses, including the proposed home of Gateway Community Church on the residue tract created by the ultimate construction of the West Spine Road and Tall Cedars Parkway. More intense commercial uses are located or planned for areas either adjacent to Route 50. As such, the proposed uses provide a reasonable transition from the more intense commercial uses along Route 50 to the residential uses located south of the site. Furthermore, the Applicant has agreed to adhere to the recently adopted Route 50 / Arcola Design Guidelines, ensuring a design that is compatible with other similar projects in the area.
- Standard *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*
- Analysis The proposed Special Exception will be served by central water and sewer facilities. Proffered road improvements will allow for the construction of Tall Cedars Parkway through the subject site. As a commercial project, no immediate impact will be realized on the schools, and no impact will be realized on capital facilities, as would be the case with a residential project.
- Standard *The effect of the proposed rezoning on the County's ground water supply.*
- Analysis The site will be fully served by central utilities. The runoff generated by the development south of Tall Cedars Parkway and will be treated by BMP facilities as identified on the CDP.
- Standard *The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.*
- Analysis Any land disturbance for construction shall adhere to the governing standards and ordinance requirements, as they may apply. Steps will be taken to ensure the structural capacity of soils within the property for the proposed use.
- Standard *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*
- Analysis Rezoning the property from CLI and R-1 to PD-CC-CC will result in an increase in the number and intensity of uses. Consequently, an appreciable increase in traffic volume can be expected on adjacent roadways. Most notably, the intersection of Gum Springs Road (Route 659) and Route 50 is currently a failing intersection, performing at a Level of Service F. However, the West Spine Road, a four-lane, median divided highway, is proposed through the subject site. In addition, proffered

road improvements include a four-lane, median divided section of Tall Cedars Parkway. An improved Level of Service should be realized pending the ultimate build-out of the West Spine Road to Route 50. However, timing of improvements to coincide with the development of the site remains an outstanding issue.

Standard *Whether a reasonable viable economic use of the subject property exists under the current zoning.*

Analysis The current zoning of the property is R-1 (Single Family Residential) and CLI (Commercial Light Industry), and yes, a reasonable viable economic use of the subject property does exist under the current zoning. In addition, many of the proposed uses are allowed by Special Exception in CLI. However, drive-thru restaurants, pharmacies, and medical / dental offices, uses that provide needed services to residential communities, are not permitted by-right nor are they allowed by Special Exception in CLI. In addition, a greater floor area ratio (FAR) can be realized in PD-CC-Cc versus CLI.

Standard *The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.*

Analysis The proposal will seek to preserve the naturally built features of the site by using a variety of techniques designed to employ vegetative features and make use of newer technologies. An existing pond, a designated wetland, will be impacted by the proposed developed and will be mitigated.

Standard *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

Analysis This area is designated in the Comprehensive Plan for economic development along the Route 50 Corridor and further supported by the adopted Arcola/Route 50 Comprehensive Plan Amendment. The variety of commercial uses proposed will provide desirable employment opportunities to the surrounding residential development and will enlarge the tax base.

Standard *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*

Analysis The proposed use will provide a needed amenity and service to nearby residential areas, given the rising home construction in the Suburban Policy Area south and east of Dulles Airport, and along Route 50. Local employment is enhanced by having more mixed uses, and the tax base will be enlarged.

Standard *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*

- Analysis The proposed rezoning offers a place for businesses to serve the immediate needs of surrounding neighborhoods with services as identified by the retail study prepared by Fore Consulting, Inc.
- Standard *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*
- Analysis The dominant land use pattern in the area is single family development. However, there are commercial land uses north of the site along Route 50. The proposed rezoning is consistent with those patterns and preserves and increases the values of adjoining properties by providing by low-density services and amenities that are needed in order to support one another within a community development.
- Standard *Whether the proposed rezoning considers trends for growth or changes, employment, and economic factors, the need for housing, probably future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.*
- Analysis The Route 50 business corridor and surrounding technology centers continue to hire new employees. Thus in order to meet the needs of the homeowners, certain commercial needs can be provided locally through this rezoning application. In addition, the Applicant is proffering the construction of major roads, including Tall Cedars Parkway, which should improve the Level of Service in the area.
- Standard *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*
- Analysis As a one hundred percent commercial project, the rezoning will not provide new single family; however, the provision of immediate commercial services would raise livability standards for local residents.
- Standard *The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.*
- Analysis The special exception does not affect natural, scenic, archeological or historic features of significant importance. A Phase 1 Archeological study completed by John Miller Associates does not identify any natural, scenic, archeological, or historic features that adversely impact the County's resources.

VI. ATTACHMENTS		PAGE NUMBER
1. Review Agency Comments		
a. Planning Department, Community Planning	4/20/07; 9/13/07	A-1; A-13
b. Building and Development, Zoning Administration	2/16/07; 9/7/07	A-19; A-25
c. Building and Development, ERT	4/25/07; 9/5/07	A-31; A-34
d. Office of Transportation Services (OTS)	3/19/07; 9/13/07	A-37; A-50
e. Virginia Department of Transportation (VDOT)	2/15/07; 9/5/07	A-53; A-55
f. Fire, Rescue, & Emergency Management	4/11/07; 9/7/07	A-56; A-57
g. Loudoun County Sanitation Authority	2/20/07; 9/5/07	A-58; A-59
h. Loudoun County Health Department	1/22/07; 8/27/07	A-60; A-61
i. Parks, Recreation, and Community Services	5/9/07	A-62
j. Virginia Dept. of Conservation and Recreation	1/18/07	A-65
2. Disclosure of Real Parties in Interest		A-67
3. Applicant's Response to Referral Agency Comments	7/24/07; 9/24/07	A-69; A-97
4. Applicant's Statement of Justification - ZMAP		A-107
5. Applicant's Statement of Justification - SPEX		A-119
6. Proffer Statement; dated 8/1/07, revised 9/24/07		A-128
7. Concept Development Plan/Special Exception Plat; revised 9/21/07		Attached